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The Massachusetts Site Discovery Program

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Commonwealth of Massachusetts
Department of Environmental Protection

Bureau of Waste Site Cleanup
One Winter Street
Boston, Massachusetts 02108

April 1994

942-/73

Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Protection

William F. Weld
Governor
Trudy Coxe
Secretary, EOEA
Thomas B. Powers
Acting Commissioner

April 19, 1994

Dear Interested Party;

Enclosed is the Department of Environmental Protection's Site Discovery Program Plan, developed in accordance with Section 3A(5)(c), Massachusetts General Law Chapter 21E, amended.

Our objective in designing this Plan goes beyond merely meeting a legislative requirement. The Site Discovery Program Plan identifies the Department's goals and objectives for Site Discovery and a number of important initiatives for the years ahead. The Plan specifically guides the Department's efforts to identify significant threats to the state's public water supplies and ensure that necessary response actions are taken at sites posing the greatest risk to the Commonwealth's health, safety, public welfare and environment.

If you have any comments or questions concerning this Plan, or suggestions on how DEP can make its Site Discovery Program even better, please contact Nicholas Zavolas, Site Discovery Program Coordinator @617 556-1125 or me. We welcome your ideas and thank you for your continuing interest in protecting the Massachusetts environment.

Sincerely,

James C. Colman
Assistant Commissioner

Enclosure

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Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup

THE MASSACHUSETTS SITE DISCOVERY PROGRAM

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1.0 SUMMARY

Background:

In 1990, the Department of Environmental Protection, together with the Executive Office of Environmental Affairs, convened a Study Committee comprised of representatives from industry, public health, environmental advocacy organizations and citizen interest groups to evaluate and subsequently redesign the 21E program. One of the Study Committee recommendations called for "establishing a vigorous site discovery program designed to find those disposal sites which pose the most serious environmental or public health threats". As a result, the 1992 Amendments to M.G.L. c.21E charged the Department to develop a comprehensive site discovery program.

Goals & Objectives:

The goals of the Massachusetts Site Discovery Program are to:

- ***Identify releases and threats of release of oil and hazardous materials, and,***
- ***Ensure that Department resources are directed to those discovered releases and threats of release that pose the greatest risk to public health, safety, welfare and the environment.***

In order to accomplish these goals the Department will;

1) **Design a proactive site discovery process**
2) **Develop policies, procedures and protocols for integrating site discovery into the 21E Program,**
3) **Implement a 3 year schedule of proactive site discovery activities**
4) **Evaluate the performance and results of the Site Discovery Program**

The Approach to Site Discovery:

In designing the Massachusetts Site Discovery Program, the Department considered the experiences of other state site discovery programs as well as the site discovery experiences of its Northeast Regional Office. The Department's approach to site discovery includes both **reactive** and **proactive** components. The **proactive** component will initially focus on the identification of releases and threats of releases that could contaminate public water supplies. The focus of the site discovery program may be expanded to include other environmental resource and human receptors. The **reactive** component involves the Department's ongoing response to citizen complaints and referrals.

The Site Discovery Process:

The Massachusetts Site Discovery Program contains a Four STEP site discovery process, including:

STEP 1 Identification of receptor(s) for site discovery
STEP 2 Research of potential release information
STEP 3 Evaluation of potential release information
STEP 4 Determination of site discovery investigation

Program Administration:

The Department has designated a Site Discovery Program Coordinator, who will be responsible for the coordination of site discovery activities within the Bureau of Waste Site Cleanup, as well as with other Bureaus and Divisions within the Department. Cross-agency coordination efforts will be pursued with other federal, state, and municipal agencies and offices and the regulated community. The Department has designated site discovery staff in each of the four regional offices, for a total of 7-9 full-time equivalents dedicated to the Massachusetts Site Discovery Program.

Program Implementation Schedule:

The Site Discovery Program contains a three year program implementation schedule. In Year 1, the department will design and implement operational policies, procedures and guidelines for conducting site discovery activities. A pilot site discovery investigation will be initiated in each of its 4 regions using the model site discovery process. These pilot investigations provide DEP with an opportunity to get started now to discover releases. In addition, DEP will initiate cross-Bureau discussions to expand the site discovery program to address the need for site discovery activities in urban areas within Massachusetts.

In Year 2, reactive site discovery activities will continue while proactive site discovery investigations will be initiated for contaminated public water supplies located within each region of the State. Each region will strive to complete 5-10 site discovery investigations. DEP will also endeavor to establish criteria for identifying particular "communities at risk" for future site discovery investigations.

In Year 3, DEP will continue to conduct reactive site discovery activities and broaden its proactive efforts to include uncontaminated yet threatened public water supplies. Each region will strive to complete 5-10 site discovery investigations. DEP will also explore opportunities to identify particular urban communities for cross-Bureau site discovery investigations and continue to explore efforts to enhance its computerized databases with GIS-based mapping capabilities for use in site discovery.

Program Review and Evaluation:

The Site Discovery Program will be reviewed and evaluated annually. Such evaluations will focus not only on the number of sites discovered, but on the number of sites evaluated and the number of sites where follow-up actions were taken. In 1997, the DEP will publish a three year review of its site discovery program efforts, ***The Massachusetts Site Discovery Program Review***, which will describe its site discovery activities and accomplishments. The Review will include a list of releases discovered and the Department's corresponding 21E response actions as well as recommendations for changing or modifying the site discovery program.

2.0 INTRODUCTION

2.1 Background

The Department of Environmental Protection (DEP) is charged with implementing and enforcing the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, ("21E") and the Massachusetts Contingency Plan (MCP). One of the more important concerns about the 21E program voiced by environmental and public health advocates in a 1986 petition initiative was the need for a comprehensive site discovery program. The lack of a comprehensive site discovery program left unanswered many questions pertaining to the existence of serious and yet undiscovered sites, and their potential threat to the public's health and safety and the state's environmental resources.

In 1990, DEP, together with the Executive Office of Environmental Affairs, convened a Study Committee comprised of representatives from industry, public health, environmental advocacy organizations and citizen interest groups, and began the process of evaluating and subsequently redesigning the 21E program to address these and other important concerns. One of the Study Committee's recommendations called for focusing DEP's resources on those activities best conducted by government. In particular, the Committee recommended "establishing a vigorous site discovery program designed to find those disposal sites which pose the most serious environmental or public health threats". As a result, the 1992 Amendments to M.G.L. c.21E charged DEP and its Bureau of Waste Site Cleanup (BWSC) with the responsibility for developing a comprehensive site discovery program as follows:

By January first, nineteen hundred and ninety-four, the department shall publish a three year plan which establishes a schedule of site discovery activities to identify, at a minimum, significant threats to public water supplies. No later than January first, nineteen hundred and ninety-seven, the department shall identify and list, pursuant to subsection (b), sites which pose a significant threat to public water supplies.

MGL c. 21E Sec 3a(5)(c)

2.2 Survey of Site Discovery Programs in Other States

DEP conducted surveys in 1988 and 1993 of site discovery programs employed in other states including Connecticut, New York, Oregon, Washington and Wisconsin. The 1988 survey results indicated that most of those states surveyed employed a reactive approach to site discovery. These reactive approaches involved responding to information from citizen complaints, referrals from other departments and agencies, and assessments done for real estate transfers. A few states used more proactive receptor or source-based approaches and incorporated community outreach and public participation into their site discovery programs. All the states surveyed began their site discovery process with an examination of state agency files, followed by information available at the municipal level, and finally using information obtained through public outreach.

Cooperative agreements with other state agencies, as well as formal site discovery training programs, were found to be useful in identifying potential sites. Many states stressed the importance of the participation and input of municipal authorities and community residents to the overall success of their programs. These states agreed that public information and awareness programs are of critical importance in identifying potential sites.

In September of 1993, a follow-up survey was initiated to learn of any new developments in site discovery which might have occurred over the previous five years. Nearly all of those states identified in 1988 as having a proactive site discovery program had ceased their proactive activities when their program resources became inundated with the large number of sites discovered using the proactive approach. Subsequently, their remaining site discovery resources were re-allocated to the management of sites which had been identified. Similarly, under Massachusetts' old 21E program, DEP was inundated with long lists of sites and its limited resources proved to be inadequate to address the most serious ones. Under the new 21E Program, the regulated community, using licensed site professionals (LSPs), is now responsible for conducting cleanups of most releases of oils and hazardous materials without the DEP's direct supervision. As a result, new releases discovered by DEP's proactive site discovery program and entered into the 21E Program are not expected to overwhelm its resources to the extent experienced in other states.

2.3 Existing DEP Site Discovery Activities

DEP has been conducting reactive site discovery activities in all four regions for a number of years. Such activities have typically involved responding to the following types of information:

- Citizen complaints made to the Bureau of Waste Site Cleanup and the Environmental Strike Force;
- Referrals from other Department programs;
- Site assessments conducted for real estate transactions; and
- Notifications of releases which exceeded the reportable quantity thresholds under the MCP.

Although these efforts have been successful in discovering new sites, reactive site discovery efforts cannot be counted on to discover the most serious sites.

In addition to DEP's reactive site discovery efforts, the Northeast Regional Office (NERO) initiated in 1989 an ongoing proactive water resource-based site discovery project. NERO's efforts focus on public water supplies impacted by oil and hazardous materials and uncontaminated public water supplies which are believed to be vulnerable to such contamination. Since 1989, NERO has successfully completed site discovery investigations for public water supplies in thirteen communities.

3.0 THE MASSACHUSETTS SITE DISCOVERY PROGRAM

3.1 Goals and Objectives of Site Discovery in Massachusetts

The primary goals of the Massachusetts Site Discovery Program are; ***1) to identify releases or threats of release which pose significant threats to human and environmental resource receptors, and 2) to ensure that the Department's resources are directed to those releases and threats of release which pose the greatest risk to public health, safety, welfare and the environment.***

In order to achieve these goals the Department will;

1) **Design a proactive site discovery process to ensure that the most significant threats to the state's public water supplies and other human and environmental receptors are discovèred, evaluated and entered into the 21E Program. (see Section 3.2);**
2) **Develop policies, procedures and protocols for integrating the site discovery process into the 21E Program and other Department programs (see Section 3.3);**
3) **Implement a 3 year schedule of proactive site discovery activities which will result in the identification and evaluation of those sites which pose a significant threat to the State's public water supplies. (see Section 4.0); and,**
4) **Evaluate the performance and results of the site discovery program and to make necessary changes and modifications to enhance DEP's success in meeting its goals and objectives. (see Section 5.0)**

3.2 The Department's Site Discovery Approach

There are two types of approaches used to conduct site discovery activities. Most state programs employ a **reactive** approach which responds to information received from citizen complaints, referrals from other government departments and agencies, and assessments conducted for real estate transactions. Although DEP has historically used this approach, it cannot be counted upon to identify particular releases or threats of release that could impact particular environmental resources areas and/or human populations.

Proactive approaches to site discovery employ a formalized process for identifying previously undiscovered sites. As described below, proactive site discovery programs are designed to focus on particular environmental and human *receptors* or *sources of contamination*:

- ***Receptor-focused***, identifies particular environmental and human resource receptors ie.; drinking water supplies, schools, playgrounds, urban neighborhoods, etc.;
- ***Source-focused***, identifies potential sources of reportable releases ie.; hazardous waste generators, industrial and commercial land uses and activities such as coal gasification plants, metal plating operations, drycleaning businesses etc.

DEP's Site Discovery Program will utilize both a proactive and reactive approach to site discovery. The proactive component has a receptor-based focus which will initially address the Commonwealth's public water supplies. Over time, DEP will explore opportunities for conducting site discovery investigations in areas where comparatively high cumulative concentrations of oil and hazardous materials are impacting densely populated urban communities. These communities are impacted by a variety of contaminants through a variety of pathways. As a result, activities involving a variety of DEP programs will be needed to identify the risks such contaminants pose to the health, safety, welfare and environment of urban communities. DEP will encourage cross-Bureau discussions pertaining to the need for proactive site discovery investigations in urban environments. DEP will continue efforts to identify criteria for establishing a "communities at risk" receptor category which could be used to target particular urban communities for future cross-Bureau site discovery activities. DEP will also add a "source-based" focus to its site discovery activities in Years 2 and 3.

The reactive component continues DEP's ongoing practice of responding to referrals of potential releases received from citizen complaints, other government departments and agencies and 21E audits. DEP's response to referrals of releases will be made more effective with the development of operational procedures to quickly evaluate and prioritize referrals for site discovery activities. Such procedures will also help ensure that site discovery resources are being committed to releases and threats of release which pose the most serious threat to Massachusetts' public water supplies and other human and environmental resource receptors.

3.3 Site Discovery Four STEP Process

DEP's site discovery process is a formalized and comprehensive four step approach for conducting site discovery investigations. This process, illustrated in Figure 1 (page 17), is described below.

STEP 1 IDENTIFICATION OF RECEPTOR CATEGORIES & RESPONSE TO "POSSIBLE RELEASE" REFERRALS

The process begins with the identification and selection of a particular category of human or environmental receptor such as contaminated public water supplies. The Department's four regional offices will each set priorities for conducting site discovery investigations for public water supplies in their respective regions. Once a specific receptor is targeted, the receptor's Area of Investigation will be defined. In the case of public water supplies, the Area of Investigation will be the water supply's delineated zone of contribution, "Zone II", the 1/2 mile radius Interim Wellhead Protection Area (IWPA) or an estimated Zone of Contribution.

STEP 2 POTENTIAL RELEASE INFORMATION RESEARCH

All available and relevant information pertaining to potential releases within a receptor's Area of Investigation will be located and reviewed in Step 2. Various types of site discovery information are listed in Table 1. In researching such information, DEP will evaluate information sources located both inside and outside the Department, including data and information from other state, federal and municipal agencies. The need to research municipal records and obtain local information may provide opportunities for public participation in the site discovery program.

One method of encouraging public participation and obtaining local information is the use of a Municipal Site Discovery Survey Questionnaire. Copies of the site discovery survey questionnaire may be sent to the Municipality's Selectpersons, Board of Health, Public Works Department, Fire Department, Hazardous Waste Coordinator, Assessor's Office, Conservation Commission and other local environmental and recreational organizations to request information concerning potential sites and/or threats of release.

STEP 3 POTENTIAL RELEASE INFORMATION EVALUATION AND FOLLOW UP

In Step 3 information pertaining to specific land use activities located within the Area of Investigation is analyzed and evaluated. This evaluation process assigns particular importance to such factors as the proximity of the potential release to the receptor, the nature of the businesses and activities located at the site, type(s) of OHM generated, used and/or stored there and regulatory compliance history.

Particular land use activities and potential release locations may be targeted for additional site discovery investigation work. As illustrated in Figure 1, further site discovery investigation work involves any of the following:

- The owner or operator of the property is sent a formal ***Request For Information (RFI)*** to obtain necessary additional information;
- ***Field Reconnaissance*** or "windshield inspections" of the area in which the land use activity or site is located are conducted to visually ascertain and/or confirm existing activities and physical conditions at the site;
- ***On-Site testing*** using standardized screening techniques such as soil gas surveys, sampling of existing wells, or sampling of surface soil.

DEP may use any or all of the above methods to resolve uncertainty regarding a particular site or potential source of release. It may not be possible, however, to follow up on all sources where further information is needed. As a result, DEP will prioritize the locations targeted for further investigation so that its resources can be most effectively used.

STEP 4 CONCLUSION OF THE SITE DISCOVERY PROCESS

Each site discovery investigation will conclude with a **Site Discovery Determination Report** for the particular human or environmental receptor investigated.

A Site Discovery Determination Report will contain both quantitative and qualitative information relating to the performance and results of DEP's site discovery efforts, including:

1. **Site Discovery Process Summary** - includes information/data gathered in STEPS 1-3, and an accounting of the total Site Discovery Receptor/FTE's expended;
2. **List of Discovered Releases & Threats of Releases** - provides a listing and description of discovered sources or potential sources of releases impacting or likely to impact the receptor;
3. **Evaluation of Environmental or Public Health Threat** - contains an evaluation of the environmental and/or public health impact(s) that each of the discovered releases or threats of release has caused or poses for the receptor; and,
4. **Recommendations for 21E actions** - recommendations for specific 21E actions to be taken by DEP. Recommendations for 21E actions will be based on the site discovery staff's evaluation of environmental or public health threat caused or posed by each of the releases discovered, and the requisite level of response needed to reduce such threats.

Possible 21E actions include:

1. Enter newly discovered sites into 21E Program
   - Notice of Responsibility
   - Notice to conduct an Immediate Response Action;
   - Administrative Order
   - Referral to Environmental Crimes Strike Force
   - Notice of Non-compliance and/or
   - Penalty Assessment Notice;
2. Conduct publicly funded Response Actions to address risks posed by site and/or to further assess source(s) and receptors.
3. Notification to other DEP programs for follow up or possible enforcement actions
4. Accelerate assessments and response actions for existing 21E site(s).

3.4 Site Discovery Roles and Responsibilities

A Site Discovery Program Coordinator, located in DEP's Boston office, will coordinate the development, implementation, operation and review of the site discovery program. The site discovery program will be implemented by designated site discovery staff located in each of the four regional DEP offices. A total of 7-9 full-time equivalents have been dedicated for site discovery.

DEP will also establish a coordinated cross-Bureau approach to conducting its site discovery program activities. The cross-Bureau coordination of environmental program activities and databases will effectively increase the total amount of resources which DEP can use in carrying out its site discovery activities. Under the direction of the Regional Director, site discovery staff will be supervised by the Bureau of Waste Site Cleanup's Section Chiefs and Regional Engineers. DEP's regional Section Chiefs will also be responsible for reviewing the Site Discovery Determination Reports and approving and initiating the site discovery staff's recommendations for 21E actions.

3.5 Administering the Site Discovery Process

The Site Discovery Program will include administrative and operational procedures and protocols to (i) incorporate the site discovery program within the new 21E Program, (ii) coordinate the implementation of the site discovery process with the activities and information resources generated by other DEP Bureaus, federal, state and municipal agencies and, (iii) provide guidance to site discovery staff in conducting site discovery activities.

Site Discovery in the new 21E Program

One of the more important issues raised in the program planning process concerned the need to successfully incorporate both the reactive and proactive components of site discovery into the new 21E Program.

With respect to reactive site discovery, clearly defined referral policies will be established to ensure that DEP's site discovery resources are not exhausted by having to respond to referrals which might be more appropriately handled by another section of the 21E program or another DEP program. For DEP's proactive site discovery activities, policies and guidance will be developed to ensure that DEP's recommendations for response actions at newly discovered sites are consistent with the intent of the new 21E Program and necessary to address the risks posed by these releases.

Coordination with Other Programs

DEP will develop operational policies and guidance for effectively coordinating its site discovery program with the resources, activities, databases and other information routinely generated within DEP's four Bureaus, along with appropriate federal, state and municipal agencies and offices. The need for inter-agency coordination in conducting site discovery investigations will become more critical as the focus of the site discovery program is expanded to include additional categories of receptors and sources of releases.

The Regulated Community

The site discovery process will require interaction of site discovery staff with owners and operators (public and private) of properties located within an Area of Investigation. DEP may need to contact owners and operators to obtain information about current or historical uses, activities and releases that may have occurred on the property. Protocols and guidelines will be established for requesting additional information, performing on-site testing and conducting other necessary interactions with the regulated community. Such protocols and guidelines will help to ensure that interactions with the regulated community are consistent with the intent and authority of 21E.

4.0 IMPLEMENTING THE SITE DISCOVERY PROGRAM

The 1992 legislative amendments to DEP's 21E Program calls for the implementation of a three year schedule of site discovery activities as outlined below:

YEAR ONE 1994-1995

1) Develop and implement necessary operational policies, procedures and guidelines.
2) Conduct regional pilot site discovery investigations for public water supplies.
3) Initiate cross-Bureau discussions for identifying "communities at risk" receptors.
4) Review and evaluate YEAR 1 site discovery investigations and program experiences.

Requirements for Implementation

- Operational procedures and guidelines for reactive site discovery activities
- Process for prioritizing site discovery investigations
- Cross-Bureau site discovery coordination
- Standard Operational Procedures for conducting on-site testing
- Requisite On-site testing equipment
- Guidelines for contacts with Owners/Operators
- Regional site discovery training

YEAR TWO 1995-1996

1) Modify Site Discovery Program according to YEAR 1 evaluation.
2) Complete 5-10 site discovery/public water supply investigations in each region.
3) Establish criteria for identifying "communities at risk" receptors.
4) Identify opportunities for enhancing coordination of DEP databases.
5) Conduct annual review and evaluation of site discovery program.

Requirements for Implementation

- Cross-Bureau site discovery coordination protocols
- Regional site discovery training workshops
- Modifications to existing site discovery policies and procedures as needed
- New policies and procedures, as identified in program review
- Database needs, as identified
- Regional site discovery training workshops

YEAR 3 1996

1) Modify program according to YEAR 2 evaluation.
2) Conduct proactive site discovery activities for uncontaminated and threatened public water supplies.
3) Complete 7-10 site discovery investigations in each region.
5) Conduct inter-Bureau pilot site discovery investigations in urban communities.
6) Enhance coordination of DEP databases.
7) Construct a computerized site discovery evaluation system using GIS technology.
8) Conduct a comprehensive 3 Year review and evaluation of site discovery program and prepare a report, *The Massachusetts Site Discovery Program Review*.

Requirements for Implementation - YEAR 3

- Inter-agency collaboration on "communities at risk" pilot study
- Modifications and changes to site discovery policies and procedures as needed
- New policies and procedures, as identified in program review
- Computer and GIS database needs, as identified

5.0 EVALUATION OF THE SITE DISCOVERY PROGRAM

DEP will develop criteria to evaluate the success of its site discovery program. For example, a simple count of the number of releases discovered, "bean counting", fails to show if DEP has appropriately devoted its resources to discovering and pursuing the *"most significant"* threats to the state's public water supplies. A truly meaningful, an evaluation program will need to consider DEP's success in developing and implementing operational procedures and guidelines together with its success in identifying and evaluating releases and threats of release. The Site Discovery Determination Report will contain a variety of important information, listed below, which could serve as criteria for evaluating the performance and results of the DEP's site discovery program.

- Total number of public water supplies (or other human/environmental resource receptors) evaluated.
- Number of discovered sources of release impacting or threatening a receptor.
- "Significant Risk" evaluations for discovered releases or threats of release
- Number and results of 21E actions subsequently initiated for releases discovered;
- Number of FTE's expended per public water supply investigated; and,
- Number and fate of facilities not in compliance with other environmental statutes identified through DEP's site discovery process.

The Massachusetts Site Discovery Program Review - In 1997, DEP will publish a three year review of site discovery program accomplishments, including a list of releases discovered and DEP's corresponding 21E response actions. The Review will also include suggestions for modifying the site discovery program and identifying new initiatives that could be incorporated into the program in later years.

Figure 1

Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup

4 STEP Site Discovery Process

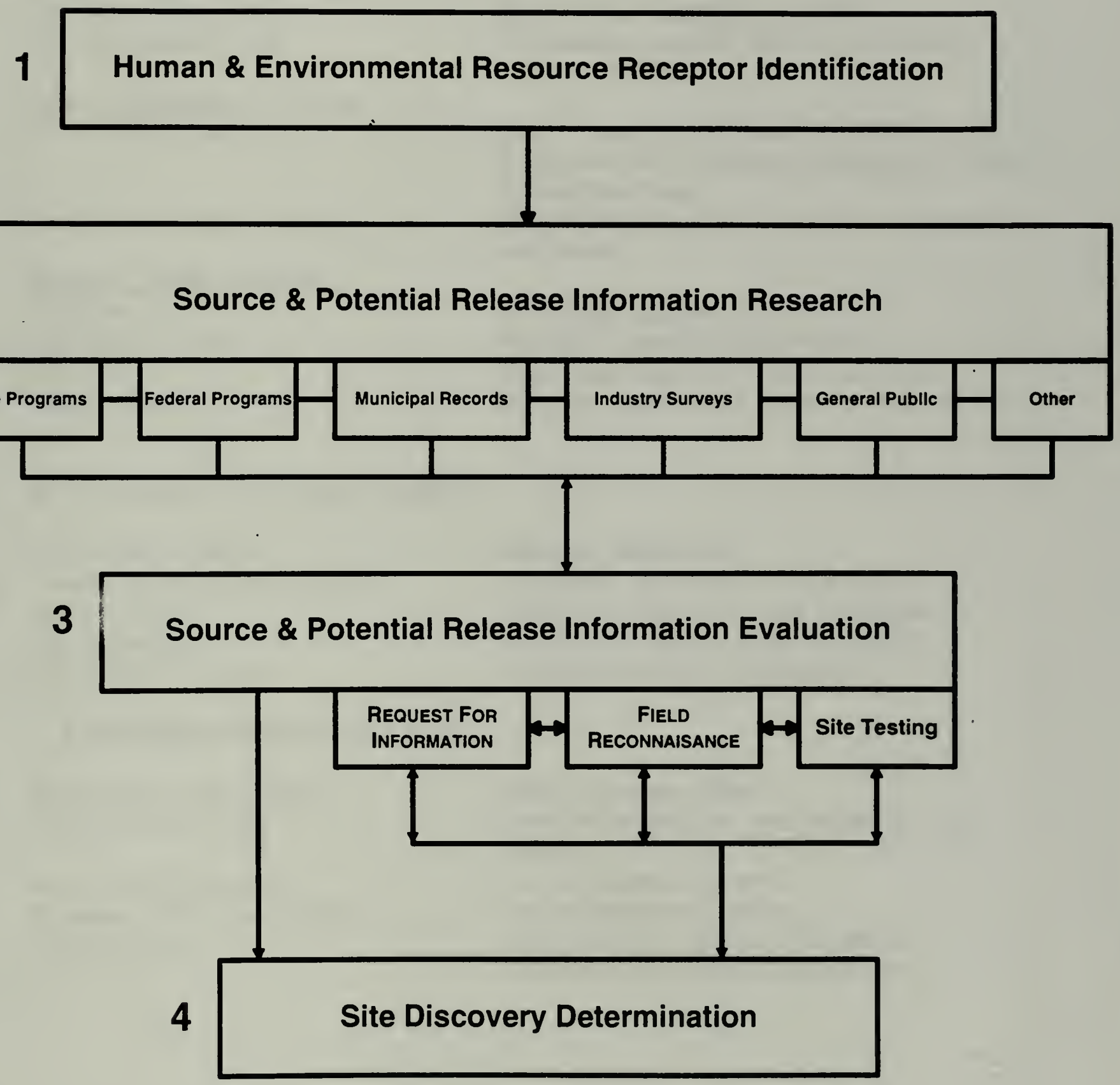

TABLE 1

SITE DISCOVERY INFORMATION SOURCES

Sources	Information Available
A. STATE - DEP OFFICES	
Bureau of Waste Site Cleanup:	
21E Sites database/ files	Oil/hazardous material release sites
21E Spills database/files	Oil/hazardous material release spill locations (prior to 10/1/93)
Bureau of Resource Protection:	
Div. of Water Supply	Sanitary Surveys, UIC Summary Reports, Comprehensive Compliance Evaluations, USGS Ortho-Photo Maps
Div. Water Pollution Control	NPDES permits, groundwater discharge permits, complaints
Bureau of Waste Prevention:	
21H Files	Solid Waste disposal locations
Air Quality Control	Hazardous material use and storage
21C Files	Small/Large Quantity Generators, licenses
Right to Know	Hazardous material use, source applications
B. MUNICIPAL RECORDS SEARCH	
Town Clerk's Office	Historical Information
Water/Sewer/Engineering Dept.	Location of sewer/water lines and/or
Board of Health	Complaints, hazardous waste compliance
Fire Department	UST locations/storage permits, incidents
Tax Assessors Office	Property ownership, land transfers
C. LIBRARIES/LIBRARY SEARCH	
Massachusetts State Library	Sanborn Insurance Maps
Public Library (town)	Historical information, maps regarding local industry
MA Industrial Directory	Lists of industries by town
Directory of NE Manufacturers	Lists of industries by town
Kirstein Library	Industry Profiles, Business Directories, Telephone Directories (1800's-Present)

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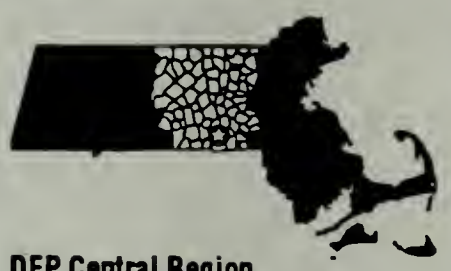

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